Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-296

ARAM K. BERBERIAN,
PETITIONER,

v.

RHODE ISLAND BAR ASSOCIATION,
RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT FOR THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ARAM K. BERBERIAN, *Pro Se Ipso*
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PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT FOR THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Opinion Below

The Supreme Court of the State of Rhode Island and Providence Plantations on 28 June 1973 granted the petition of the Rhode Island Bar Association compelling all members of the Rhode Island Bar to become members of and pay dues to the Rhode Island Bar Association. 108 R.I. 947, 279 A.2d 432, *granted* 306 A.2d 199. On 20 June, 1974 the Rhode Island Supreme Court ordered Aram K. Berberian to show cause why he should not be suspended by reason of his failure to pay his dues to the Rhode Island

Bar Association. A. 7. After briefs and arguments thereon, the Rhode Island Supreme Court on 23 June, 1975 granted the petition of the Rhode Island Bar Association and suspended Aram K. Berberian unless he paid his dues on or before 1 July, 1975. A. 16. That order has not yet been reported.

Jurisdiction

The order of the Rhode Island Supreme Court granting the petition of the Rhode Island Bar Association to suspend Aram K. Berberian was entered on 23 June, 1975. Jurisdiction of this Court is invoked under 28 U.S.C. 1257 (3).

Questions Presented

1. Does the Rhode Island Supreme Court order requiring attorneys to pay dues to a private non-business corporation, absent any direct benefit conferred upon the dues payer confiscatory in violation of Article XIV, section 1 the due process clause of the Amendments to the United States Constitution.

2. Does the order of the Rhode Island Supreme Court of 23 June, 1973, compelling all Rhode Island lawyers, including the petitioner herein, to become a member of the Rhode Island Bar Association violate a fundamental right guaranteed to the petitioner by Article IX of the Amendments to the United States Constitution.

Statement

On 28 August, 1970 the Rhode Island Bar Association, a Rhode Island non-business corporation, filed a petition with the Rhode Island Supreme Court asking that it order

all members of the Rhode Island Bar to become members of the Association and to compel all members of the Rhode Island Bar to pay annual dues to it. The Rhode Island Supreme Court entertained the petition and directed that the members of the Rhode Island Bar Association and the members of the Rhode Island Bar be polled. 279 A.2d 432. Petitioner Aram K. Berberian had no knowledge or notice whatever of the proceedings leading up to the Supreme Court order of 23 June, 1973. Because Berberian did not become a member of the Rhode Island Bar Association and pay dues to it, the Association petitioned that Berberian be suspended from membership (sic) and from the practice of law until he paid his dues. In answer to the Rhode Island Supreme Court show cause order Berberian claimed that the "unification" order of the Supreme Court of 23 June, 1973 was confiscatory in that it required Berberian to pay money to a private non-business corporation without any direct benefit conferred upon him, in violation of Article XIV, section 1 the due process clause of the Amendments to the United States Constitution, that the Rhode Island Bar Association had engaged in litigation against Aram K. Berberian together with the New England Telephone and Telegraph Company with respect to Berberian's bold face listing in the alphabetical telephone directory, that the Rhode Island Bar Association was represented on the board of directors of the Rhode Island Legal Services, Inc., a Rhode Island Corporation, which had initiated proceedings leading to a sentence of imprisonment in the state of Rhode Island Adult Correctional Institution, that the Rhode Island Legal Services, Inc. upon which the Rhode Island Bar Association was represented by eight members was in proprietary competition with petitioner Berberian that the compulsion to join the Rhode Island Bar Association violated Berberian's freedom not to associate guaranteed to him by Article I of the

Amendments to the United States Constitution and deprived him of a fundamental right guaranteed to him by Article IX thereof, that said Berberian was a member of the Rhode Island Defense Attorney's Association, and a Rhode Island non-business corporation which competed with the Rhode Island Bar Association and that in any event Berberian had applied for membership in the Rhode Island Bar Association in 1952, which said application had not yet been acted upon. A. 17. The Rhode Island Bar Association took issue with Berberian's contentions and the case was argued to the Rhode Island Supreme Court on 19 May, 1975. However the Supreme Court did not address itself to the issues and arguments presented and similarly entered its conditional order of suspension. A. 26.

1. The power of the Rhode Island Supreme Court with respect to the regulation of the practice of law does not extend to the right to disregard and override the constitutional guarantees of lawyers. *Sloan* v. *Lemon,* 413 U.S. 825, 37 L.Ed.2d 939, 93 S.C.R. 2982.

2. The order of the Rhode Island Supreme Court compelling petitioner Berberian to pay $65.00 annually to the Rhode Island Bar Associaton, a Rhode Island non-business corporation, deprives Berberian of property without due process of law in compelling him to take his property and bestow it on another in the alleged interests of public betterment. *Eyers Woolen Co.* v. *Gilsom,* 84 N.H. 1, 146 A.2d 511, 64 A.L.R. 1196; *Railroad Retirement Board* v. *Alton Ry. Co.,* 295 U.S. 330, 350, 79 L.Ed. 1468, 1476, 55 S.C.R. 758.

3. A legislative assessment for public improvements without a direct benefit to the tax payer is confiscation. *Georgia Ry. and Electric Co.* v. *Decatur,* 295 U.S. 165, 79 L.Ed. 1365, 55 S.C.R. 701.

4. A refusal to hear evidence on whether or not an

assessment results in an improvement is a violation of the due process clause. *Railroad Retirement Board* v. *Alton Ry. Co., supra.*

5. To compel petitioner Berberian to pay dues to the Rhode Island Bar Association which is engaged in activities against his expressed wishes and against his proprietary and penal interest is violative of Berberian's freedom not to associate and pay for such activities. Cf. *International Association of Machinists* v. *Street,* 367 U.S. 740, 6 L.Ed.2d 1141, 81 S.C.R. 1784. See annotation "Forced & Prohibited Associations", 33 L.Ed.2d 909.

Reasons for Issuance of the Writ

The Rhode Island Supreme Court has, in effect, rejected the Federal constitutional claims of the petitioner in a manner not heretofore determined by this court. The decision of *Lathrop* v. *Donahue,* 367 U.S. 820, 6 L.Ed.2d 1191, 81 S.C.R. 1826, is not in point because in *Lathrop* a new agency, The State Bar of Wisconsin, was created by the state Supreme Court whereas in this case the Rhode Island Supreme Court has compelled affiliation with one of a number of competing statewide bar associations. The terms "unification" or "integration" should not be talismanic.

In any event, the Rhode Island Supreme Court, on 29 April, 1975 promulgated Rule 45 which requires annual registration and $15.00 dues payable to the Rhode Island Supreme Court disciplinary account. A. 27. On 5 May, 1975 the clerk of the Rhode Island Supreme Court stated that the registration requirement under Rule 45 had nothing to do with the order unifying the bar of the state. A. 29.

In essence the Rhode Island Supreme Court has applied the "double whammy" to Rhode Island lawyers, first "unification", then "integration".

Conclusion

Petitioner Berberian prays that this Court issue its writ of certiorari so that this Court may resolve the federal constitutional questions presented.

Respectfully submitted,

ARAM K. BERBERIAN, *Pro Se Ipso*
906 Reservoir Avenue
Cranston, Rhode Island 02910

APPENDIX A

PETITION OF THE
RHODE ISLAND BAR ASSOCIATION.

Supreme Court of Rhode Island.
July 6, 1971.

Daniel J. Murray, Providence, Paul F. Murray, Newport, John H. Blish, A. David Tammeleo, Providence, for petitioner.

Oliver Crandall, Westerly, Ronald W. Del Sesto, Thomas D. Gidley, Albert A. Nutini, John J. Pendergast, III, Providence, for respondent.

ORDER

On August 28, 1970, the Rhode Island Bar Association, a statewide association of attorneys, who are licensed to practice before the courts of this state, filed a petition with this court requesting us to enter an order directing unification of the bar of this state under such terms and conditions as we shall deem proper.

The petition includes the following pertinent allegations. The Rhode Island Bar Association was organized in 1898 and was incorporated under the laws of this state as a nonbusiness corporation. Its membership presently numbers 1,000 of the approximately 1,300 attorneys admitted to practice before our state courts. The present annual dues is $50 with lesser dues for members who have practiced for less than five years. The petition continues with a description and explanation of the numerous programs and activities which the petitioner has sponsored and intends to sponsor in the future, all related to the welfare and benefit of the bar and the general public, and to the better administration of justice.

The petitioner further alleges that all these programs and activities inure to the benefit of all Rhode Island attorneys whether or not they are members of petitioner, and, therefore, each member of the bar should contribute his fair share of annual dues to cover the cost of such programs and activities. It states that the purpose of unification is to enable the bar association to more effectively serve the court, the bar and the public by reinforcing programs, by more widespread participation by the bar, and by providing financial support for the necessary activities enumerated in this petition.

The petitioner points out that unification of the bar has been the method adopted by 30 states, Puerto Rico and the Virgin Islands, and that approximately one half of the remaining 20 states are instituting proceedings for unification.

The petitioner explains that unification of the bar simply requires that all attorneys now or hereafter admitted to practice in this state shall become members of the Rhode Island Bar Association and maintain their membership by the payment of annual dues.

The petitioner next explains the procedure it adopted and followed prior to the filing of the instant petition. On November 19, 1969, it appointed a special committee of lawyers to consider the feasibility of unification of the bar. After consulting with the Chief Justice of this court, the special committee met with local bar associations and other representatives of the practicing bar throughout the state. After careful consideration this special committee recommended to petitioner that the bar of this state be unified.

The petitioner thereafter forwarded to each member of the bar of this state, whether a member of petitioner or not, whose address was known to petitioner, a pamphlet and a postage prepaid card on which such member of the bar could indicate his/her approval of unification. A copy of

each is attached to the instant petition as "Exhibit A." The pamphlet, which is entitled, "The Rhode Island Bar Should Be Unified," contains a summary of the programs and activities which petitioner has carried on and explains the reasons why unification of the bar should be ordered. The pamphlet also contains the following request:

> "If you are in favor of getting the maximum benefit from our Association by unifying all our efforts, please send us the enclosed post card right away."

The post card reads as follows:

"Name .....
(Legibly please)

"Address .....
" ....."

Over 1,000 communications were mailed. In response 518 members of the bar indicated their approval and 30 indicated disapproval.

The petitioner, acting through its Executive Committee, voted to accept and approve the report of the special committee that the Rhode Island Bar be unified and directed that a petition praying for unification of the bar be filed with this court. In accordance with such action the instant petition was filed in this court. In addition to the request for an order for unification, petitioner asked that we enter an order assigning this petition for hearing and providing for notification to those who may wish to be heard.

On October 14, 1970, an order was entered in this court giving notice to members of the Rhode Island bar and to any and all persons interested that the instant petition had been filed in this court. We provided therein that any interested person would be allowed 50 days from the date of said order to file a written memorandum herein setting

forth his reasons or grounds, if any, why this court should not enter an order granting the petition as prayed. We also provided therein that petitioner would be allowed 20 days thereafter in which to file its memorandum in support of the petition. Additionally, by an order entered on the same day, we directed petitioner to insert a copy of such order in two newspapers of statewide circulation in this state within the following 10 days. The petitioner complied with this order. No memoranda in opposition to the petition were filed within the prescribed period.

On December 18, 1970, we requested petitioner to designate attorneys to prepare briefs and argue orally the reasons why we should or should not grant the petition. The petitioner complied with our request and designated distinguished counsel to carry out this assignment.[1] Excellent briefs were filed by the designated counsel and, on April 7, 1971, they presented their oral arguments before us.

[1] We have read and considered the briefs of opposing counsel and take this occasion to express our appreciation to all counsel who have given of their time and efforts in aiding the court in this matter. Although this court has the power to order unification of the bar of this state, Rhode Island Bar Ass'n v. Automobile Service Ass'n, 55 R.I. 122, 179 A. 139, In re Rhode Island Bar Association, R.I., 263 A.2d 692, the question before us is whether we should exercise our power to do so in this proceeding. We recognize that many states have already sanctioned

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[1] The following attorneys were designated to prepare briefs and argue orally in favor of the petition:

Daniel J. Murray
Paul F. Murray
John H. Blish
A. David Tammelleo

The following were designated to prepare briefs and argue orally in opposition thereto:

Oliver Crandall
Ronald W. Del Sesto
Thomas D. Gidley
Albert A. Nutini
John J. Pendergast III

unification of their bars just as we recognize the fact that other states are in the process of doing so.

We have reached no conclusion, as yet, as to whether unification of the bar should or should not be ordered in this state on the basis of the present record. The relief sought by petitioner involves a drastic change in that any person desiring to practice law in this state will be compelled by law to be a dues-paying member of the Rhode Island Bar Association. We are not satisfied that a poll, such as was taken by petitioner, indicating that 518 members of the bar favored unification, and 30 opposed, is an adequate expression of the feelings and sentiments of the lawyers presently licensed to practice in this state. Approximately 752 members of the bar of this state have not expressed an opinion one way or the other. The notice on the post card indicates that petitioner sought replies only from those members of the bar who were in favor of unification. So construed it would appear that approximately 752 members of the bar did not approve unification.

[2] Since the proposed change is a drastic one, we believe that we should have the benefit of a broader expression of opinion from the members of the bar after the members themselves have been better informed by petitioner of the proposed change and the contents of its proposed by-laws and constitution. We have read many of the cases cited by the opposing parties and are especially impressed with the procedure followed by the New Hampshire Bar Association. See In Re Unification of New Hampshire Bar, 109 N.H. 260, 248 A.2d 709. As the court noted in that case, *id.* at 262, 248 A.2d at 711, the bar association itself established a procedure to be followed in connection with the presentation of the petition for unification. It included (1) mailing copies of the petition and by-laws to all members of the New Hampshire bar and Bar Association concurrently with its filing of the

petition in the New Hampshire court, and (2) making copies of its brief available without cost to all members of the New Hampshire bar on request.

We believe that a procedure substantially similar to the one used by the New Hampshire Bar Association would be not only adequate, but very helpful to the members of the bar of this state and to this court. Accordingly, if the petitioner desires to pursue its petition, then it shall prepare and mail copies of the instant petition and of the proposed constitution and by-laws to all members of the Rhode Island bar, whose addresses are known to it, and that it makes copies of its brief and that of its opponents available cost to all members of the Rhode Island bar on request. Additionally, petitioner and opponents shall prepare a form of ballot, for our approval, to be mailed to all members of the Rhode Island bar concurrently with the copies of the instant petition, proposed constitution and by-laws, offering such members an opportunity of expressing their opinion for or against unification. Pending the completion of the suggested procedure and the new vote, we reserve jurisdiction of this petition and withhold decision on the merits.

APPENDIX B

PETITION OF THE
RHODE ISLAND BAR ASSOCIATION.

Supreme Court of Rhode Island.
June 28, 1973.

Order.

Daniel J. Murray, John H. Blish, A. David Tammelleo, Providence, Paul F. Murray, Newport, for petitioner.

Oliver P. Crandall, Westerly, Ronald W. Del Sesto, Thomas D. Gidley, Albert A. Nutini, John J. Pendergast, III, Providence, for respondent.

ORDER

Upon further consideration of and in supplement to the order entered in Petition of the Rhode Island Bar Association, 108 R.I. 947, 279 A.2d 432 (1971), the petition for unification of the Rhode Island bar is granted, to become effective October 1, 1973, upon the express condition that no member of the association shall be suspended or removed from membership until such action has been expressly approved by the Supreme Court.

The Rhode Island Bar Association is directed to file with the Clerk of this court a certified copy of its constitution and by-laws, and to file, from time to time, certified copies of any amendments made thereto.

POWERS, J., participated in the order but retired prior to its announcement. DORIS, J., did not participate.

APPENDIX C

[Letterhead]
PLANTATIONS LEGAL DEFENSE SERVICES
ARAM K. BERBERIAN
ROBERT B. TANENBAUM
STEPHEN E. S. HEALEY

906 Reservoir Avenue
Cranston, R.I. 02910

(401) 942-5300

March 4, 1974

Rhode Island Bar Association
17 Exchange Street
Providence, Rhode Island 02903

Attention: Edward P. Smith

Dear Mr. Smith:

I acknowledge receipt of your letter of 26 February 1974 reminding me that I have not paid my dues for the fiscal year 1973-1974. May I respectfully inquire if I am considered a member of the Rhode Island Bar Association and if so some of the services and benefits accruing therefrom to myself as a member.
Yours truly,

(s) ARAM K. BERBERIAN
ARAM K. BERBERIAN

AKB/lc

March 5, 1974

Dear Aram,

You are not considered a member of the Rhode Island Bar Association until you register as a lawyer and pay your dues.

If and when you do, you will become eligible for our educational courses, bar journals, insurance plans, group tours, and committee work.

Cordially,
(s) *Ed Smith*

APPENDIX D

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

In re: Petition of the Rhode Island Bar Association

ORDER

Aram K. Berberian was admitted to the practice of law by this Court on October 11, 1950. On June 23, 1973 this Court issued an order unifying the Rhode Island Bar, see *Petition of the Rhode Island Bar Association,* No. 1156-M.P.

The Rhode Island Bar Association has notified this Court that Aram K. Berberian has allowed his dues to be in arrears for a period of more than 90 days, and has requested that he be suspended from membership and the practice of law for failure to comply with the by-laws of the Association.

Aram K. Berberian is hereby directed to show cause why he should not be suspended from membership and the practice of law for failure to pay dues. He is further directed to file his answer to this order by July 20, 1974.

Entered as an order of this Court this 20th day of June 1974.

BY ORDER,
(s) WALTER J. KANE
WALTER J. KANE
Clerk

ENTER:
(s) THOMAS H. ROBERTS
THOMAS H. ROBERTS
Chief Justice
June 20, 1974
[SEAL]

APPENDIX E

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

M.P. #
In re:
PETITION OF RHODE ISLAND BAR ASSOCIATION
v.
ARAM K. BERBERIAN

ANSWER TO SHOW CAUSE ORDER

Aram K. Berberian represents to this court as follows:

1. The Supreme Court Order of 23 June 1973 predicated on petition of Rhode Island Bar Association M.P. #1156 pursuant to which the Rhode Island Bar Association filed its rules and regulations is the delegation of legislative power to a private organization in contravention of Article III and Article IV, section 2 of the Rhode Island Constitution which reposes legislative power in the General Assembly.

2. The approval by the Rhode Island Supreme Court of the rules and regulations of Bar Association requiring the payment of an annual fee of $65.00 to the Rhode Island Bar Association is taxation in the absence of authority therefore enacted by the General Assembly in contravention of Article IV, section 2 of the Rhode Island Constitution and Article I, section 2 thereof.

3. The approval by the Rhode Island Supreme Court of a rule requiring attorneys to pay an annual fee to a private corporation in the absence of any direct benefit conferred to the attorney is confiscation in violation of Article XIV, section 1, the due process clause of the Amendments to the United States Constitution.

4. The Rhode Island Bar Association is represented on the Board of Directors of Rhode Island Legal Services, Inc., a Rhode Island Corporation, by eight bar association appointees out of the approximately twenty three board members of Rhode Island Legal Services, Inc. Rhode Island Legal Services, Inc. has engaged in and does engage in the private proprietary practice of law for which it requests and collects fees therefore from litigants it represents or from losing parties against whom such fees are exacted. As such, Rhode Island Legal Services, Inc., with the approval and participation by the Rhode Island Bar Association, Inc. is in competition with said Berberian. The order of the Supreme Court of 23 June 1973 has the direct effect of compelling private attorneys to contribute to their competition and therefore deprives said Berberian of property without due process of law in violation of the aforesaid United States Constitutional Amendment.

5. Rhode Island Legal Services, Inc. has brought several law suits against Berberian praying for imposition of a money judgment against him, praying for his disbarment, and praying for his incarceration on a criminal charge. The Rhode Island Bar Association has approved of said activities of Rhode Island Legal Services by the concurrence thereto by the bar association appointees to the Legal Services board. To compel Berberian to pay to the Rhode Island Bar Association a fee has a direct effect of compelling Berberian to pay in support the prosecutions against him depriving him of property in contravention of the aforesaid United States Constitutional Amendment.

6. The Rhode Island Bar Association has intervened as amicus curiae in a case between the New England Telephone and Telegraph Company, Archie Smith, Public Utility Administrator, and Aram K. Berberian. In said law suit the Rhode Island Bar Association has supported the positions of the telephone company and the public

utility administrator. At the same time the Rhode Island Bar Association has participated in and condoned conduct similar to that of Berberian against which the Rhode Island Bar Association has heavily inveighed. To compel Berberian to pay monies to the bar association has the direct effect of compelling him to finance such activities thereby depriving him of property without due process of law in contravention of the aforesaid United States Constitutional Amendment.

7. The Rhode Island Bar Association by reason of its representation on Rhode Island Legal Services, Inc. is engaged in the practice of law without a license therefore granted by the Rhode Island Supreme Court and in violation of Rhode Island Criminal Laws. Compelling Berberian to pay to the Rhode Island Bar Association money to support its activities has the effect of compelling Berberian to become an accessory to a breach of Supreme Court ethics and a violation of Rhode Island Criminal Law.

8. Said Berberian is a member of the Rhode Island Defense Attorneys Association, an incorporated and organized bar association which is in competition with the Rhode Island Bar Association. To compel Berberian to finance one bar association over another against his will is a common law restraint of trade.

9. The order of the Supreme Court compelling Berberian to join the Rhode Island Bar Association violates his freedom of association as guaranteed to him by Article I of the Amendments to the United States Constitution which is made applicable to the states by Article XIV, section 1 the due process clause thereof in that it compels Berberian to support the ideals and objectives of an organization some of which ideals and objectives said Berberian is categorically opposed.

10. In 1952 Berberian applied to join the Rhode Island Bar Association which said application is still pending.

11. The Rhode Island Bar Association advertises in the classified telephone directory and elsewhere soliciting business for certain lawyers who are members of the Rhode Island Bar Association referral service panel. The aforesaid advertising is a violation of legal ethics and compelling Berberian to pay monies to the bar association compels him to be an accessory to the aforesaid violation of ethics.

12. The Supreme Court Order of 23 June 1973 and the opinions upon which it was predicated are not res judicata as to Berberian because he neither had knowledge of the proceedings upon which said opinions and orders were predicated nor had notice thereof in any way.

Wherefore Berberian prays that the petition of the Rhode Island Bar Association be dismissed and respondent demands a public hearing and trial.

(s) ARAM K. BERBERIAN
ARAM K. BERBERIAN

APPENDIX F

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

M.P. #74-159
In re:
PETITION OF RHODE ISLAND BAR ASSOCIATION
v.
ARAM K. BERBERIAN

COUNTER PETITION OF ARAM K. BERBERIAN

Aram K. Berberian petitions this Supreme Court as follows:

1. The order of the Rhode Island Supreme Court of 23 June 1973, M.P. #1156, violates a fundamental right guaranteed by said Berberian by Article IX of the Amendments to the United States Constitution and Article I, section 23 of the Rhode Island Constitution in that the aforesaid order compels said Berberian to join, affiliate with, and support an organization which said Berberian rejects by reason of said Berberian's antipathy with its objectives.

2. Wherefore respondent Berberian prays that this court amend its mandate of 23 June 1973 by permitting membership in any statewide non-business corporation of attorneys the purposes of which are analogous to the Rhode Island Bar Association as satisfaction of this court's requirement of unification.

(s) ARAM K. BERBERIAN
ARAM K. BERBERIAN

APPENDIX G

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

M.P. #74-159

In re:

PETITION OF RHODE ISLAND BAR ASSOCIATION
v.
ARAM K. BERBERIAN

AFFIDAVIT OF ARAM K. BERBERIAN

I, Aram K. Berberian make affidavit and say that in the year 1952 I filled in an application for membership with the Rhode Island Bar Association and deposited same in the office of the then secretary thereof, James Higgins, Esquire, in the Union Trust Building with a person in charge thereof. I tendered no money therewith.

In 1953 while enjoying the hospitality of Boston Law Book Company adjacent to a meeting of the Rhode Island Bar Association in the Narragansett Hotel, Mr. James Higgins, the secretary of the Rhode Island Bar Association suggested that because I was not a member of the Bar Association I was not entitled to receive the hospitality of the Boston Law Book Company and he thereupon asked me to leave. I thereupon finished my gingerale and took my departure.

Other than the above I have heard nothing with respect to the aforesaid application for membership other than the petition to show cause why I should not be suspended from membership in the Rhode Island Bar Association which is now before this Supreme Court.

(s) ARAM K. BERBERIAN
ARAM K. BERBERIAN

STATE OF RHODE ISLAND
PROVIDENCE, SS:

Sworn and subscribed to before me this day of May 1975 by Aram K. Berberian.

(s) LORI CAMPBELL
Notary Public

APPENDIX H

[Letterhead—RHODE ISLAND BAR ASSOCIATION]

May 7, 1974

Aram K. Berberian, Esquire
Plantation Legal Defence Services
906 Reservoir Avenue
Cranston, Rhode Island

Dear Aram:

I am enclosing a list of members who have represented the Rhode Island Bar Association on the Board of Directors of Rhode Island Legal Services, Inc. from its inception to date. Members of the Board serve for two year terms and the annual meeting is in March of each year. There are eight members of the Board who represent the Rhode Island Bar Association out of a total board membership of 29. The Board does have control of any activities of the Rhode Island Legal Services, Inc. and can determine what cases they do or don't handle within the guidelines of the funding OEO directors. The majority of the members of the Board are lawyers, but as you can see by the statute, the Rhode Island Bar Association does not appoint all the lawyers.

When in the past we have had controversy over any particular case that has been handled by Rhode Island Legal Services, we have asked our Board members to request a report from the Director of the Legal Services.

It is difficult to define the meaning of "fee generating cases." When a case is referred to the Bar Association as a fee generating case, and the claim seems reasonable and there seems to be a good possibility of collection, I have no problem in getting attorneys to take these cases on a contingency basis. However, for a claim for a large amount

of money for which the chances of collection are slight, there may be few, if any, privately practicing lawyers who would risk their time and effort for such a cause on a contingency basis. The decision then becomes one of how much time the Bar Association should spend in seeking out private lawyers who would take the case.

I hope this information covers your request.

Yours truly,

(s) EDWARD P. SMITH
EDWARD P. SMITH
Executive Director

EPS/cab
encs.

APPENDIX I

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

In re:
PETITION OF THE RHODE ISLAND BAR ASSOCIATION
No. 74-159-M.P.

ORDER

The motion of the Rhode Island Bar Association that Aram K. Berberian be suspended from membership and the practice of law for failure to comply with the bylaws of the Association, in that he failed to pay his dues, is granted, unless said Aram K. Berberian shall pay said dues on or before July 1, 1975.

Entered as the order of this court this 23rd day of June, 1975.

By Order,
(s) WALTER J. KANE
WALTER J. KANE
Clerk

Enter:
(s) THOMAS H. ROBERTS
THOMAS H. ROBERTS
Chief Justice
June 23, 1975

APPENDIX J

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

ORDER

Rule 45 of the rules of the Supreme Court promulgated on June 4, 1972 is hereby amended to read as follows:

Rule 45 — Periodic Registration of Attorneys

Every person who has been admitted to the bar of Rhode Island and who engages in the practice of law within this state shall on or before July first of every year, or within three months of his becoming subject to these rules by admission, upon the payment of a registration fee of $15, file with the Clerk of this court, on a form to be provided by the Clerk, a written statement containing his full name and address within the state at which service of papers may be made upon him, the date of his admission to this court, and such other information as this court may from time to time direct. The form will contain a provision whereby the attorneys certify that they have read and are complying with DR 9-102 of the code of professional responsibility. It shall be the responsibility of each attorney to notify the Clerk of any change in the information previously submitted within 30 days of such change. The name of any person who has not filed the current annual registration statement shall be removed from the Master Roll of Attorneys 90 days after the due date for such statement. Any person whose name is not on the Master Roll and who practices law or who holds himself out in any manner to the public or to another person as being competent, qualified, authorized or entitled to practice law in this state is engaged in the unauthorized

practice of law and may be subject to the disciplinary procedures of this court. An attorney whose name has been removed from the Master Roll solely for failure to file the registration statement may be reinstated as a matter of course upon filing the registration statement together with a fee in the amount of $50. An attorney who has discontinued the practice of law in this state shall notify the Clerk in writing of such fact. Upon the filing of such notice, the attorney shall no longer be eligible to practice law in this state, but shall continue to file registration statements for five years thereafter in order that he can be located in the event complaints are made about his conduct while he was engaged in practice in this state.

All funds collected pursuant to this rule shall be deposited in a separate account entitled "Rhode Island Supreme Court—Disciplinary Account," and shall be disbursed by the Clerk upon the order of the Chief Justice.

Entered as the order of this court this 29th day of April, 1975.

(s) THOMAS H. ROBERTS
THOMAS H. ROBERTS, *C.J.*
(s) THOMAS J. PAOLINO
THOMAS J. PAOLINO, *J.*
(s) BYRD N. JOSLIN
BYRD N. JOSLIN, *J.*
(s) THOMAS F. KELLEHER
THOMAS F. KELLEHER, *J.*
(s) JOHN F. DORIS
JOHN F. DORIS, *J.*

APPENDIX K

[Letterhead—STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS]

May 5, 1975

Dear Attorney:

The Rhode Island Supreme Court has recently adopted two rules affecting the practice of law by attorneys in this state.

Rule 42 changes the method for administering discipline. Rule 45 requires periodic registration of attorneys and payment of a fee of $15.00.

The registration requirement and fee has nothing to do with the order unifying the bar of the state which requires attorneys to be members of the Rhode Island Bar Association.

Enclosed is a registration form to be completed and returned with payment of the $15.00 fee. Checks should be made payable to R.I. Supreme Court Disciplinary Account. If registration is not completed prior to July 1, 1975, a petition for reinstatement must be filed together with a fee of $50.00.

Copies of the above rules may be obtained at the office of Clerk of the Supreme Court. Enclosed is copy of DR 9-102 of the Code of Professional Responsibility.

If you have any questions, please contact the Clerk's office.

Very truly yours,
(s) WALTER J. KANE
WALTER J. KANE
Clerk

WJK/t
enclosure